

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

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4 BENJAMIN RODRIGUEZ,

Case No. 2:22-cv-01368-ART-EJY

5 Plaintiff,

6 v.

7 CLARK COUNTY DETENTION CENTER,  
*et al.*,

8 Defendants.

9

**ORDER**

10 **I. DISCUSSION**

11 On August 18, 2022, Plaintiff, an inmate in the custody of the Clark County Detention  
12 Center, submitted a civil rights complaint under 42 U.S.C. § 1983. ECF No. 1-1. Plaintiff has  
13 neither paid the \$402 filing fee for this matter nor filed an application to proceed *in forma pauperis*.

14 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a  
15 civil action may apply to proceed *in forma pauperis*, which allows the inmate to file the civil action  
16 without prepaying the filing fee. To apply for *in forma pauperis* status, the inmate must submit  
17 all three of the following documents to the Court:

18 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court's  
19 approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),  
20 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official  
21 (i.e. page 4 of this Court's approved form), and  
22 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**  
23 **six-month period**.

24 The Court grants Plaintiff a **one-time extension** to file a fully complete application to  
25 proceed *in forma pauperis* containing all three of the required documents, or in the alternative, pay  
26 the \$402 filing fee for this action on or before **September 30, 2022**. Absent unusual  
27 circumstances, the Court will not grant any further extensions of time.

If Plaintiff is unable to file a fully complete application to proceed *in forma pauperis* with all three required documents or pay the \$402 filing fee on or before **September 30, 2022**, the Court will recommend dismissal of this case without prejudice allowing Plaintiff to file a new case with the Court when Plaintiff is able to acquire all three of the documents needed to file a fully complete application to proceed *in forma pauperis* or pays the \$402 filing fee.

The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court will not file the complaint unless and until Plaintiff timely files a fully complete application to proceed *in forma pauperis* with all three documents or pays the \$402 filing fee.

## **II. ORDER**

Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court will send Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

IT IS FURTHER ORDERED that on or before **September 30, 2022**, Plaintiff will either pay the \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52 administrative fee) or file with the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page 3),
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and
- (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**.

IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to proceed *in forma pauperis* with all three documents or pay the \$402 filing fee for a civil action on or before **September 30, 2022**, the Court will recommend dismissal of this action without prejudice for Plaintiff to refile the case with the Court, under a new case number, when Plaintiff has all three documents needed to file a complete application to proceed *in forma pauperis* or pays the \$402 filing fee.

1 IT IS FURTHER ORDERED that the Clerk of the Court will retain Plaintiff's complaint  
2 (ECF No. 1-1) but will not file it at this time.

3 Dated this 25th day of August, 2022.

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5 Elayna J. Youchah  
6 UNITED STATES MAGISTRATE JUDGE

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